

1 ELLEN F. ROSENBLUM #753239
2 Attorney General
2 KRISTEN A. GILMAN #082617
3 Assistant Attorney General
3 Department of Justice
4 1162 Court Street NE
4 Salem, OR 97301-4096
5 Telephone: (503) 934-4400
5 Facsimile: (503) 373-7067
6 E-mail: kristen.a.gilman@doj.state.or.us

6
7 Attorneys for State of Oregon

8 UNITED STATES BANKRUPTCY COURT

9 FOR THE DISTRICT OF OREGON

10 In re	
11 Philip Michael Goldfeld and Anne Ashton	Chapter No. 7
11 Goldfeld,	
12 Debtors.	
13 STATE OF OREGON, Department of Human	Case No. 15-34500-rlld7
14 Services,	
15 Plaintiff,	Adversary Proceeding
16 v.	No.
17 Anne Ashton Goldfeld, aka Annee von Borg,	COMPLAINT FOR DETERMINATION
18 Defendant.	OF DISCHARGEABILITY

19 Plaintiff alleges:

20 1

21 This is an adversary proceeding to determine the dischargeability of a debt pursuant to
22 11 U.S.C. § 523 (a)(2). Jurisdiction is based upon 28 U.S.C. §§ 157 and 1334. This is a core
23 proceeding as defined in 28 U.S.C. § 157 (b) (2) (I).

24 2

25 Plaintiff, State of Oregon, Department of Human Services, is the Oregon State agency
26 charged with administering public assistance and food stamp benefit programs. Under

Page 1 of 4 – COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY

DHS v. Goldfeld

KB2:mbr/CED7007023

DEPARTMENT OF JUSTICE
1162 Court Street NE
Salem, OR 97301-4096
PHONE: (503) 934-4400

1 ORS 411.620 (1), plaintiff is entitled to recover benefit overpayments, plus interest and costs and
2 disbursements.

3 3

4 Pursuant to ORS 82.010, plaintiff is entitled to interest on any overpayment from the due
5 date at the rate of 9 percent per annum.

6 4

7 During the time period from March 1, 2013 through December 31, 2014, defendant Anne
8 Ashton Goldfeld, aka Annee von Borg, at her special insistence and request, received food stamp
9 benefits from plaintiff, and public assistance benefits from plaintiff through the Temporary
10 Assistance for Needy Families program (TANF).

11 5

12 During a portion of the time period described in paragraph 4 of this complaint, Samantha
13 Goldfeld was a member of defendant's household and had earnings from her employment with
14 the City of Hillsboro. During this time period, defendant Anne Ashton Goldfeld, aka Annee von
15 Borg had income from her self-employment as a personal assistant for Dr. Beverlee Marks-Taub.

16 6

17 During the time period described in paragraph 4 of this complaint, defendant knowingly
18 made affirmative, material false representations to plaintiff that there was insufficient income
19 with which to meet the needs of the family.

20 7

21 During the time period described in paragraph 4 of this complaint, defendant had a duty
22 to accurately report the earnings of all household members to plaintiff while receiving food
23 stamps and public assistance benefits. Defendant failed to report the earnings of Samantha
24 Goldfeld from her employment with the City of Hillsboro, and failed to report her income from
25 her self-employment as a personal assistant for Dr. Beverlee Marks-Taub. This constituted
26 ///

Page 2 of 4 – COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY

DHS v. Goldfeld

KB2:mbr/CED7007023

DEPARTMENT OF JUSTICE
1162 Court Street NE
Salem, OR 97301-4096
PHONE: (503) 934-4400

- 1 continuing material false representations that there was insufficient income with which to meet
- 2 the needs of the family.

3 8

4 Plaintiff acted in reliance upon the defendant's material false representations and
5 omissions and provided her with food stamps in the amount of \$12,166.00 that she was not
6 entitled to receive, of which \$150.00 has been recovered, and public assistance through the
7 TANF program in the in the amount of \$18,526.00 that she was not entitled to receive, of which
8 none has been recovered. This debt is not dischargeable in bankruptcy pursuant to
9 11 U.S.C. § 523(a)(2).

9

Taking into account offsets applied, the amount due to plaintiff from defendant is approximately \$30,542.00.

13 WHEREFORE, plaintiff prays for an order and judgment of the above-entitled court as
14 follows:

15 (1) That the claims of the plaintiff, State of Oregon, Department of Human Services,
16 against defendant Anne Ashton Goldfeld, aka Annee von Borg, as described in the complaint
17 herein, plus 9 percent interest from December 16, 2015, are not dischargeable in bankruptcy
18 pursuant to 11 U.S.C. § 523(a)(2);

19 (2) That plaintiff be awarded judgment against defendant for its costs and
20 disbursements incurred herein in the amount of \$350.00;

21 (4) That plaintiff be awarded interest on the judgment amount of \$350.00 for
22 plaintiff's costs and disbursements incurred herein at the federal statutory rate, which judgment
23 is not dischargeable in bankruptcy under 11 U.S.C. § 523(a)(2); and,

24 ///

25 ///

26 ///

Page 3 of 4 – COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY

DHS v. Goldfeld

KB2:mbr/CED7007023

DEPARTMENT OF JUSTICE
1162 Court Street NE
Salem, OR 97301-4096
PHONE: (503) 934-4400

1 (5) For such other and further relief as the Court deems just and proper.

2 ELLEN F. ROSENBLUM
3 Attorney General

4 _____
5 /s/ Kristen A. Gilman
6 Kristen A. Gilman #082617
7 Assistant Attorney General
8 Of Attorneys for Plaintiff
9 Department of Justice
10 1162 Court Street NE
11 Salem, OR 97301-4096
12 Telephone: (503) 934-4400
13 Facsimile: (503) 373-7067
14 E-mail: kristen.a.gilman@doj.state.or.us

15
16
17
18
19
20
21
22
23
24
25
26

Page 4 of 4 – COMPLAINT FOR DETERMINATION OF DISCHARGEABILITY

DHS v. Goldfeld

KB2:mbr/CED7007023

DEPARTMENT OF JUSTICE
1162 Court Street NE
Salem, OR 97301-4096
PHONE: (503) 934-4400